IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

-

WRIT PETITION NO : 21326 of 1995

Between:

The Oriental Insurance Company Ltd., Regional Office.
Begumpet, Hyderabad, rep. by its Regional Manager.

..... PETITIONER

AND

1. Labour Court-I, Hyderabad, A.P.
2. M.Jagannathan S/o R.Mahalinga Iyer
   D.No. 5-41/97, Raja Rajeshwari Nagar,
   Old Bowen Pally,Secunderabad.

(R2 dismissed for default as per court order dt.24-7-2000}

(R2 restored as per court order in WPMP No.25963 of 2004
dated 7-10-2004)

3. The Hon'ble Labour Court-I rep.by its Presiding Officer.
   Chandravihar Builldings, Nampally,
   Hyderabad

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for records and declare and order that the order made in C.M.P.No.150 of 1975 dt.4-3-1980, on the file of the Hon'ble Labour Court (Central),Hyderabad and the order made by the Hon'ble Labour Court-I,AP, Hyderabad in M.P.No.208/1993 on its file, as null and void and inoperative and set aside and quash the same by issuance of writ of certiorari or any other appropriate writ or order or orders direction or directions.

Counsel for the Petitioner: Mr P.Nageswar Sree
Counsel for Respondent no.2: None appeared
Counsel for the Respondent No.1 and 3: GP FOR LABOUR

The Court made the following:

ORDER:

This Writ Petition is filed challenging the award passed by the Labour Court-I, Hyderabad in M.P.No.208 of 1993, dated 04.03.1980.

2. The second respondent-workman claimed certain benefits before the Labour Court under Section 33 (C) (2) of the Industrial Disputes Act (for short 'the Act'). The Labour Court, after considering the matter, allowed the claim for Rs.28,173.47 Ps by an order dated 18th January 1995. The said order came to be challenged by the Management in this Writ Petition.

3. It is contended by the learned counsel for the petitioner-Management that the claim as made by the workman in M.P.No.208 of 1993 is only misconceived, inasmuch as, he filed similar claim before the Central Labour Court which was partly allowed. Therefore, the workman claimed dual claims for the same period. The learned counsel would also submit that the settlement entered between the management and the workman has not been appreciated while allowing the claim. He also submits that the claim ought to be filed only in the Central Labour Court. But, in the instant case, he filed the claim before the Labour Court-I. Therefore, the application ought to have been rejected on the ground of jurisdiction.

4. I find that the order was passed in January, 1995 and the Tribunal allowed the claim for Rs.28,173.47ps. It is a matter required to be reconsidered in the hands of the Labour Court, on account of strong objection having been taken with regard to the maintainability of the application under Section
33 (C)(2) before the Labour Court constituted by the State Government. But, in view of the fact that the Management has already deposited 50% of the amount allowed, I

am not inclined to interfere with the order passed by the Tribunal.

Under those circumstances, the Writ Petition is closed permitting the second respondent-workman to withdraw the amount already deposited before the Labour Court-I, if not already withdrawn.

5. Accordingly, the Writ Petition is closed. No costs.

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07-10-2004

kvrm/ycr

To

1. Labour Court-I, Hyderabad, A.P.
2. The Presiding Officer,Labour Court-I
   Chandravihar Builldings, Nampally,
   Hyderabad

3. 2 CCs to GP for Labour, High Court Buildings, Hyderabad (OUT)

4. 2 CD copies.